

787 KAR 1:070. Reasonable time for protesting claim.

RELATES TO: KRS 341.370(3), 341.530(3)

STATUTORY AUTHORITY: KRS 151B.020, 341.115, 341.370(3), 341.530(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 341.370(3) and 341.530(3) require the secretary to promulgate administrative regulations establishing what constitutes reasonable time within which an employer shall protest a claim by a former worker. This administrative regulation establishes the requirements for determining reasonable time.

Section 1. (1) Except as provided in Section 2 of this administrative regulation, the reasonable time referred to in KRS 341.370(3) or 341.530(3) shall not extend beyond the following:

(a) If the employer submits by paper, documentation of the protest shall be received within ten (10) days after the date of the first notice to the employer from the department that a claim has been filed; or

(b) If the employer submits electronically, documentation of the protest shall be received within twelve (12) days of the first notice to the employer from the department that a claim has been filed.

(2) In computing the protest deadline in Section 1(1):

(a) The day following the date of mailing of the notice shall be considered the first day; and

(b) The date the employer's return notice is received by the department shall be determined as provided in 787 KAR 1:230.

Section 2. (1) If the employer is not the worker's most recent employer and has not received Form UI-412A as provided in 787 KAR 1:060, the reasonable time referred to in KRS 341.530(3) shall not extend beyond the following:

(a) If the employer submits by paper, documentation of the protest shall be received within ten (10) days after the date of the first notice to the employer from the department that a claim has been filed; or

(b) If the employer submits electronically, documentation of the protest shall be received within twelve (12) days of the first notice to the employer from the department that a claim has been filed.

(2) In computing the protest deadline in subsection (1) of this section:

(a) The day following the date of mailing of the notice shall be considered the first day; and

(b) The date the employer's return notice is received by the department shall be determined as provided in 787 KAR 1:230. (22 Ky.R. 460; Am. 909; eff. 11-6-1995; 33 Ky.R. 2174; 3179; eff. 5-4-2007; 37 Ky.R. 2994; eff. 9-2-2011; 44 Ky.R. 934; eff. 12-1-2017.)